

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TAXATION**

**Call to Order:** Chair Mark Blasdel, on March 22, 2011 at 8:00 AM, in Room 152 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Mark Blasdel, Chairman (R)  
Rep. Dick Barrett, Vice Chairman (D)  
Rep. Mike Miller, Vice Chairman (R)  
Rep. Steve Fitzpatrick (R)  
Rep. Alan Hale (R)  
Rep. Brian Hoven (R)  
Rep. Austin Knudsen (R)  
Rep. Steve Lavin (R)  
Rep. Sue Malek (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mary McNally (D)  
Rep. Jerry O'Neil (R)  
Rep. Lee Randall (R)  
Rep. Janna Taylor (R)  
Rep. Max Yates (R)

**Members Excused:** None

**Members Absent:** Rep. Kelly Flynn (R)  
Rep. Mike Phillips (D)  
Rep. Wayne Stahl (R)  
Rep. Kathleen Williams (D)

**Staff Present:** Lisa Adams, Committee Secretary  
Jeff Martin, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 614, 3/17/2011; SB 261, 3/17/2011

Executive Action: HB 512, SB 172, SB 266, HB 157, HB 233

**HEARING ON SB 261****Opening Statement by Sponsor:**

00:01:43 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 261, Constitutional referendum to require annual sessions and reduce days.

00:01:51 Rep. Flynn arrived.

00:01:56 Rep. Phillips arrived.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:09:05 Rep. Barrett  
00:09:35 Rep. Williams arrived.  
00:09:40 Sen. Essmann  
00:10:39 Rep. Barrett  
00:10:50 Sen. Essmann  
00:10:58 Rep. Barrett  
00:11:12 Rep. Phillips  
00:11:22 Sen. Essmann  
00:11:34 Rep. Phillips  
00:11:53 Sen. Essmann  
00:12:04 Rep. Phillips  
00:12:57 Sen. Essmann  
00:14:07 Rep. Phillips  
00:15:19 Sen. Essmann  
00:17:35 Rep. Taylor  
00:18:38 Sen. Essmann  
00:20:40 Rep. Williams  
00:21:49 Sen. Essmann  
00:21:50 Rep. Flynn left.  
00:22:26 Rep. Hoven  
00:22:51 Sen. Essmann  
00:23:42 Rep. Barrett  
00:25:05 Sen. Essmann  
00:25:34 Rep. Barrett  
00:25:46 Sen. Essmann  
00:26:01 Rep. Randall left.  
00:26:12 Rep. Phillips  
00:27:13 Sen. Essmann  
00:28:02 Rep. Phillips  
00:28:42 Sen. Essmann

**Closing by Sponsor:**

00:29:00 Sen. Essmann

00:29:19 Rep. Randall arrived.  
00:29:24 Vice Chairman Miller left.  
00:30:04 Vice Chairman Miller arrived.

**HEARING ON HB 614**

**Opening Statement by Sponsor:**

00:31:15 Rep. Mike Miller (R), HD 84, opened the hearing on HB 614, Revise new construction energy credit provisions.

**Proponents' Testimony:**

00:32:32 William Kohnke, self

**Opponents' Testimony:** None

**Informational Testimony:**

00:37:43 Brian Olsen, Income Tax Specialist, Department of Revenue (DOR)

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:38:10 Rep. Miller  
  
00:40:20 Rep. Williams left.  
00:40:24 Recess for 5 minutes.  
00:46:43 Resumed with all present except Rep. Stahl, Rep. McClafferty, Rep. Williams

**EXECUTIVE ACTION ON HB 512**

00:47:23 **Motion:** Rep. O'Neil moved that **HB 512 DO PASS.**

**Discussion:**

00:47:50 Rep. Barrett  
00:48:15 Rep. McClafferty arrived.  
00:48:47 Rep. O'Neil  
00:49:29 Vice Chairman Miller  
00:49:44 Rep. Hoven  
00:50:14 Vice Chairman Miller  
00:50:40 Rep. O'Neil  
00:50:56 Rep. Phillips  
00:51:26 Chairman Blasdel

00:51:46 **Vote:** Motion failed 6-13 by roll call vote with Rep. Flynn, Rep. Hale, Rep. Knudsen, Rep. Miller, Rep. O'Neil and Rep. Taylor voting aye. Rep. Stahl and Rep. Williams voted by proxy.

00:53:04 **Motion/Vote:** Rep. Miller moved that **HB 512 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote by all present.

00:53:05 Rep. Taylor left.

**EXECUTIVE ACTION ON SB 172**

00:53:47     **Motion:** Rep. Miller moved that **SB 172 BE CONCURRED IN.**

00:53:56     **Motion:** Rep. Blasdel moved that **SB 172 BE AMENDED.**  
**EXHIBIT**(tah64a01)

**Discussion:**

00:54:45     Mr. Martin

00:55:22     **Vote:** Motion carried 18-1 by voice vote with Rep. Hale voting no. Rep. Stahl,  
Rep. Taylor and Rep. Williams voted by proxy.

00:56:00     **Motion:** Rep. Di. Barrett moved that **SB 172 BE AMENDED.**  
**EXHIBIT**(tah64a02)

**Discussion:**

00:58:12     Vice Chairman Miller

00:58:39     Rep. Hale

00:58:55     **Vote:** Motion carried 18-1 by voice vote with Rep. Hale voting no. Rep. Stahl,  
Rep. Taylor and Rep. Williams voted by proxy.

00:59:22     **Motion:** Rep. Miller moved that **SB 172 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:59:30     Rep. Phillips

01:00:09     Rep. McNally

01:00:23     Rep. Phillips

01:00:32     Chairman Blasdel

01:00:46     Rep. Knudsen

01:01:09     **Vote:** Motion carried 18-1 by voice vote with Rep. Hale voting no. Rep. Stahl,  
Rep. Taylor and Rep. Williams voted by proxy. Rep. Blasdel will carry the bill.

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**DISCUSSION ON SB 219**

01:01:45     Mr. Martin

01:04:50     Rep. Hoven

01:05:34     Mr. Martin

01:05:39     Rep. Hoven

01:05:45     Mr. Martin

01:06:42     Rep. Barrett

01:07:52     Mr. Martin

01:08:19     Rep. Barrett

01:08:30     Rep. Yates

01:09:17     Chairman Blasdel

01:10:02     Rep. McNally

01:10:33     Mr. Martin

01:11:19     Chairman Blasdel

**EXECUTIVE ACTION ON SB 266**

01:11:32 **Motion:** Rep. Miller moved that **SB 266 BE CONCURRED IN.**

**Discussion:**

01:11:40 Rep. O'Neil  
01:12:28 Rep. Flynn  
01:12:45 Rep. Barrett  
01:13:16 Rep. McNally  
01:13:43 Rep. Malek

01:14:17 **Vote:** Motion carried 13-6 by roll call vote with Rep. Barrett, Rep. Malek, Rep. McClafferty, Rep. McNally, Rep. Phillips and Rep. Williams voting no. Rep. Stahl, Rep. Taylor and Rep. Williams voted by proxy. Rep. Berry will carry the bill.

**EXECUTIVE ACTION ON HB 157**

01:15:46 **Motion:** Rep. Miller moved that **SB 157 DO PASS.**

**Discussion:**

01:16:27 Rep. Barrett  
01:19:01 Rep. Malek  
01:19:23 Rep. Phillips

01:19:59 **Vote:** Motion carried 10-9 by roll call vote with Rep. Barrett, Rep. Hoven, Rep. Malek, Rep. McClafferty, Rep. McNally, Rep. O'Neil, Rep. Phillips, Rep. Williams and Rep. Yates voting no. Rep. Stahl, Rep. Taylor and Rep. Williams voted by proxy.

**EXECUTIVE ACTION ON HB 223**

01:21:40 **Motion:** Rep. Di. Barrett moved that **HB 223 DO PASS.**

01:22:04 **Motion/Vote:** Rep. Di. Barrett moved that **HB 223 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Stahl, Rep. Taylor and Rep. Williams voted by proxy.

**EXHIBIT**(tah64a03)

01:24:03 **Motion:** Rep. Di. Barrett moved that **HB 223 DO PASS AS AMENDED.**

**Discussion:**

01:29:05 Rep. Phillips  
01:30:09 Rep. Randall  
01:31:22 Rep. Barrett  
01:32:27 Rep. Randall  
01:33:01 Rep. Barrett  
01:33:11 Vice Chairman Miller  
01:33:24 Rep. Barrett  
01:33:38 Mr. Martin  
01:33:48 Rep. Barrett

01:34:34 Vice Chairman Miller  
 01:35:03 Rep. Barrett  
 01:35:19 Rep. Hoven  
 01:37:55 Rep. Barrett

01:39:20 **Vote:** Motion failed 8-11 by roll call vote with Rep. Barrett, Rep. Blasdel, Rep. Malek, Rep. McClafferty, Rep. McNally, Rep. Phillips, Rep. Taylor and Rep. Williams voting aye. Rep. Stahl, Rep. Taylor and Rep. Williams voted by proxy.

01:40:48 **Motion/Vote:** Rep. Miller moved that **HB 223 BE TABLED AND THE VOTE REVERSED**. Motion carried 16-0 by voice vote by those present.

01:41:02 Chairman Blasdel  
 01:42:14 Vice Chairman Miller  
 01:42:19 Chairman Blasdel  
 01:42:35 Mr. Martin  
 01:43:03 Rep. Barrett  
 01:43:54 Rep. Phillips  
 01:44:51 Chairman Blasdel  
 01:44:55 Rep. Phillips  
 01:45:01 Chairman Blasdel  
 01:45:23 Rep. Barrett  
 01:45:33 Chairman Blasdel

**ADJOURNMENT**

01:45:56      Adjournment: 9:45 a.m.

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Lisa Adams, Secretary

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**ADDITIONAL DOCUMENTS:**  
**EXHIBIT**([tah64a04](#))

Additional Documents:

**EXHIBIT**([tah64aad.pdf](#))